

3764

To: Justine R Yu

Date: 5/29/03

From: James c. Martinec

Application No. 09/994,282

Subject: Reply to Office Action Summary

I welcome and appreciate your findings, your comments are valid. The claims were very much out of context and lacking detailed descriptions and specification/drawings. I did my best to correct Detailed Actions 1-7.

Replies of Detailed Actions are as follows:

**Detailed Action 1-** (2) drawing pages have been added to clarify further the intended invention. When necessary more formal drawings will be made when the application is allowed.

**Detailed Action 2-** The title of invention has been changed to be more descriptive. It was "Massage Tube" it has been changed to "Body Massage Cylinder Apparatus".

**Detailed Action 3-** A more complete detailed description has been added along with drawings for clarity.

**Detailed Action 4-** The (4) claims have been re-stated to allow for better understanding and more defined specifications.

**Detailed Action 5-** The (4) claims have been re-stated to pertain more directly and concisely to the invention rather than methods.

**Detailed Action 6,7-** I have analyzed the similarities and differences between, Ozeryanski and Keller patent design vs. my own "Martinec" said Body Massage Cylinder Apparatus and my conclusions are as follows:

**Similarities:** Ozeryanski (Massage Hoop) Keller (Spinal Massage and Exercise Device) vs: Martinec (Body Massage Cylinder Apparatus)

1. Ozeryanski (Massage Hoop) uses similar ribbed edges in Fig.4.
2. Keller (Spinal Massage and Exercise Device) uses the body gravity and sliding motion to massage with air inlets to add air or for air pressure adjustment.

**Differences:**

1. Martinec (Body Massage Cylinder Apparatus) is designed with a uni-body shaped cylinder, Keller (Spinal Massage and Exercise Device) has (3) sphere shaped air devices attached to a frame which yields much different design idea.
2. Martinec (Body Massage Cylinder Apparatus) has no moving parts. Keller (Spinal Massage and Exercise Device) has many moving parts.
3. Martinec (Body Massage Cylinder Apparatus) is designed high off the ground, which yields safety and easy use. Keller (Spinal Massage and Exercise Device) appears lower to ground and hands or fingers might interfere with use.
4. Martinec (Body Massage Cylinder Apparatus) is designed to slightly collapse with the user's weight allowing for much more body area coverage during the massage use. Keller (Spinal Massage and Exercise Device) covers a much narrower body area.
5. Martinec (Body Massage Cylinder Apparatus) starts with a wide parallel cylinder edge, making it more of a true cylinder and allowing a wide area for body massage. Keller (Spinal Massage and Exercise Device) starts with very narrow spheres which is a totally different design idea.
6. Martinec (Body Massage Cylinder Apparatus) is designed with long ribbed or semi cones that fill the outer shell allowing for deep massage taking advantage of the user's weight and gravity. Keller (Spinal Massage and Exercise Device) has none. Ozeryanski

FAX RECEIVED  
MAY 25 2003  
GROUP 3700

- (Massage Hoop) has some ribbed protrusions, however their short and used differently, further more pointed shapes are used rather than semi-pointed.
7. Martinec (Body Massage Cylinder Apparatus) is designed to allow for many other major body sections to be massaged easily. Keller (Spinal Massage and Exercise Device) is primary designed for the spinal cord section.

**Conclusion:**

If firmly believe there are great differences between the Martinec (Body Massage Cylinder Apparatus) and the Keller (Spinal Massage and Exercise Device) combined with the Ozeryanski (Massage Hoop) due to major design differences in the Keller (Spinal Massage and Exercise Device).

The Martinec (Body Massage Cylinder Apparatus) design is unique and exclusively different in very critical design techniques which allow for unique and exclusively different full body massages. In closing I respect your decision on my first try due to the unclear claims and specifications, I would appreciate the chance to patent my idea and design. Thank you.

Yours truly, James Martinec

**Edited Copy: Original to B00**

**Title of Invention:** [Massage Tube] Body Massage Cylinder Apparatus

**Inventor:** James C. Martinec, United States Citizen born .  
**Address:** 15922 Pilgrim Cir. Huntington Beach CA. 92647 U.S.A.

**Invention of conception Date:** 5/17/99

**Application Date:** 11/23/01

**Cross Reference:** [non to my knowledge] not listed

**Research and Development:** Done by James C. Martinec exclusively, No sponsored Research and Development.

**Reference to a "Sequence Listing":** not applicable.

**Contents:**

- Sheet 1-Title
- Sheet 2-Drawing Preview
- Sheet 3-Abstract
- Sheet 4-Claims
- Sheet 5-Background, Summary of Invention
- Sheet 6- Brief Description of the Drawings, Detailed Description, [Oath]
- Sheet 7- [Detailed Drawing] Oath
- Sheet 8-Detailed Drawing, Fig. 1, 2, 3.
- Sheet 9-Detailed Drawing Fig. 4, 5.
- Sheet 10-Detailed Drawing Fig. 6, 7.

3764

FAX RECEIVED  
MAY 25 2003  
GROUP 3700

ATTN: JUSTINE R YU

FROM JAMES MARTINEZ

FAX (714) 957-1121

PH (714) 557-1636 X3287

23 PAGES